

FREEMAN MATHIS & GARY, LLP

Marc Shrake, SBN 219331

[mshrake@fmglaw.com](mailto:mshrake@fmglaw.com)

Kristin A. Ingulsrud, SBN 294532

[kristin.ingulsrud@fmglaw.com](mailto:kristin.ingulsrud@fmglaw.com)

550 South Hope Street, Suite 2200

Los Angeles, California 90071

T: 213.615.7000 | F: 833.264.2083

Attorneys for Defendant Horace Mann Property  
and Casualty Insurance Company

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

STEPHEN CHAPMAN,

Plaintiff,

v.

HORACE MANN PROPERTY &  
CASUALTY INSURANCE  
COMPANY,

Defendant.

Case No. 2:24-cv-10546

District Judge:

**NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. § 1441**

*[Filed concurrently with Declaration of  
Kristin Ingulsrud; Declaration of Matthew  
Rubin; Civil Cover Sheet; Notice of  
Interested Parties]*

State Complaint Filed: October 24, 2024

Removal Filed: December 6, 2024

**TO THE HONORABLE COURT, PARTIES, AND COUNSEL OF RECORD:**

Defendant Horace Mann Property and Casualty Insurance Company (“Horace Mann”) hereby removes this action from the Superior Court of the State of California, County of Los Angeles, where it is currently pending as Stephen Chapman v. Horace Mann Property & Casualty Insurance Company, Case No. 24STCV27909 (“State Action”), to the United States District Court for the Central District of California.

Removal is warranted under 28 U.S.C. §1441(b) because the Court has subject matter jurisdiction under 28 U.S.C. §1332 over the State Action. Under 28 U.S.C.

1 §1332(c)(1), full diversity exists among the parties, as evidenced by the states where  
2 Horace Mann is incorporated and maintains its principal place of business (Illinois)  
3 and where Plaintiff Stephen Chapman resides (California). The amount in controversy  
4 exceeds the sum of \$75,000.

5 This Notice of Removal is timely because it is filed within thirty days after  
6 service of a copy of the Summons and Complaint of the State Action upon Horace  
7 Mann, which occurred on November 8, 2024.

8 Under 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders in the  
9 State Action received by Horace Mann are attached to the Declaration of Kristin  
10 Ingulsrud as Exhibit A.

11 Pursuant to 28 U.S.C. § 1446(d), a Notice to State Court of Removal of Action  
12 to Federal Court, together with this Notice of Removal, will be served upon Chapman  
13 on December 6, 2024, and will be filed in the State Action.

### 14 **BACKGROUND**

15 On October 24, 2024, Plaintiff Chapman commenced the State Action. On  
16 November 14, 2024, he filed a First Amended Complaint. listing purported causes of  
17 action titled (1) Breach of Contract, (2) Bad Faith Denial of Insurance Benefits, (3)  
18 Fraud and Intentional Misrepresentation, (4) Negligent Misrepresentation, (4)  
19 Negligent Misrepresentation, (5) Breach of Fiduciary Duty, (6) Malfeasance, (7)  
20 Oppressive Conduct, (8) Violation of California Insurance Code § 662, (9) Violation  
21 of California Business & Professions Code§ 17200, (10) Intentional Infliction of  
22 Emotional Distress (IIED), and (11) Negligent Infliction of Emotional Distress  
23 (NIED).

### 24 **GROUND FOR REMOVAL**

25 This Court has subject matter jurisdiction over the State Action under 28 U.S.C.  
26 §1332, which confers upon the “district courts . . . original jurisdiction of all civil  
27 actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive  
28 of interest and costs, and is between . . . citizens of different States[.]”

### **AMOUNT IN CONTROVERSY**

The allegations and claims in the First Amended Complaint seek recovery for alleged losses after Horace Mann, because of Plaintiff's non-payment of premium, canceled an automobile policy with bodily injury liability limits of \$100,000 per person/\$300,000 per accident, property damage liability limit of \$100,000 per accident, medical payments limit of \$5,000 per insured, UM/UIM bodily injury limits of \$100,000 per person/\$300,000 per accident, collision coverage, other-than-collision coverage, and other coverages. In addition to benefits from the non-existent policy, the First Amended Complaint seeks compensatory damages and lost wages caused by the absence of insurance, emotional distress damages, punitive damages, and attorney's fees and costs. It therefore appears that Plaintiff will be seeking an amount in excess of \$75,000.00<sup>1</sup>, although Horace Mann's position is that Plaintiff is entitled to nothing because Horace Mann acted lawfully and properly, including meeting the notice requirements. See Ingulsrud Decl., Exh. A; Declaration of Matthew Rubin, Exh. 1.

### **DIVERSITY OF CITIZENSHIP**

Plaintiff is an individual residing in the County of Los Angeles, State of California. See Ingulsrud Decl., Exh. A, First Amended Complaint.

Defendant Horace Mann is a corporation organized and existing under the laws of the state of Illinois, with its principal place of business in Springfield, Illinois. Horace Mann is, and was at the commencement of the State Action, a resident and citizen of the state of Illinois and of the United States. See Ingulsrud Dec., Exh. A, First Amended Complaint.

//

---

<sup>1</sup> Horace Mann reserves all rights, including without limitation its right to contest the quantum of damages sought by Chapman.

1 Accordingly, there is complete diversity of citizenship, this Court has  
2 jurisdiction over this action, and the State Action is properly removed under 28 U.S.C.  
3 § 1441.

4 WHEREFORE, Horace Mann files this Notice of Removal so that the State  
5 Action shall be removed to this Court for all further proceedings.

6 Dated: December 6, 2024

**FREEMAN MATHIS & GARY, LLP**

7  
8 By: /s/ Kristin Ingulsrud  
9 Marc J. Shrake  
10 Kristin A. Ingulsrud  
11 Attorneys for Defendant Horace Mann  
12 Property and Casualty Insurance  
13 Company  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> day of December, 2024, I served the foregoing document described as **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. 1441** via email and U.S. Mail, on the interested parties in this action as follows:

<b>STEPHEN CHAPMAN, IN PRO PER</b> 7917 Selma Avenue 336 Los Angeles, CA 90046 T: 619.550.7543 <a href="mailto:stefinchapman@outlook.com">stefinchapman@outlook.com</a>	
---	--

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court under whose direction the service was made.

Executed on December 6, 2024, at Houston, TX.

/s/ Connie Spears